UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/681,416	03/30/2001	Andrew Rodney Ferlitsch	SLA1018	3233

27518	7590	11/16/2004

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EXAMINER
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ART UNIT	PAPER NUMBER
2626	

DATE MAILED: 11/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
	09/681,416	FERLITSCH ET AL.
Office Action Summary	Examiner	Art Unit	
	Saeid Ebrahimi-dehKordy	2626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____ .

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-14* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-14* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>30 March 2001</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____ .

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>6/6/02, 2/25/02,5</u> .

4)☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____ .

DETAILED ACTION

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2.   Claims 1-14 are rejected under 35 U.S.C. 102(e) as being anticipated by Yacoub (U.S.

patent 6,552,813)

Regarding claim 1,7 and 11 Yacoub discloses: A method of printing from a

computing device (please note column 6 lines 46-58) said method comprising: selecting

a preferred printing device to print a print task (please note Fig.2 and 5 column 4 lines

34-36) sending said print task to a print processor (please note column 6 lines 46-60

where the print job is send form the client to the server for spooling) checking the status

of printing devices in communication with said computing device (please note column

11 lines 36-45 where the virtual printer located on the client computer contacts the

server as to check the status of the printer 660 and 670) sending said print task from

said print processor to said preferred printing device if it is available (please note

column 4 lines 53-58 where the print job is send to the preferred printer with the speed

and quality which is available) sending said print task from said print processor to

another available printing device if the preferred printing device is not available (please

note column 4 lines 58-63) sending said print task from said print processor to a busy

printing device if said preferred printing device and other printing devices are unavailable (please note column 6 lines 16-42).

Regarding claim 2 Yacoub discloses: The method of claim 1 wherein said sending comprises transmitting spool data and EMF data to a device driver which converts said spool data and said EMF data to printer ready data which is Sent via a spooler to a printing device (please note column 12 lines 15-24).

Regarding claim 3 Yacoub discloses: The method of claim 1 wherein said sending comprises transmitting printer ready data from said print processor through a printing device port to a printing device (please note column 11 lines 1-18).

Regarding claim 4 Yacoub discloses: The method of claim 1 further comprising; rechecking the status of said printing devices in communication with said computing device after said print task has been sent to at least one of said preferred printing device said available printing device and said busy printing device (please note column 8 lines 53-59).

Regarding claim 5 Yacoub discloses: The method of claim 4 further comprising resending said print task to another available printing device when said printing device to which said print task has been sent fails (please note column 4 lines 60-63).

Regarding claim 6 Yacoub discloses: The method of claim 4 further comprising resending said print task to another busy printing device when said printing device to which said print task has been sent fails (please note column 4 lines 59-65).

Regarding claim 8 Yacoub discloses: The method of claim 7 wherein said second printing device is an available device (please note column 4 lines 60-65).

Regarding claim 9 Yacoub discloses: The method of claim 7 wherein said second printing device is a busy device (please note column 4 lines 53-58).

Regarding claim 10 Yacoub discloses: A method for increasing the reliability of a printing system, said method comprising: sending a print task to a print processor (please note column 6 lines 46-60 where the print job is send form the client to the server for spooling) checking the status of printing devices in said system from said print processor (please note column 11 lines 36-45 where the virtual printer located on the client computer contacts the server as to check the status of the printer 660 and 670) sending said print task from said print processor to a first printing device (please note column 4 lines 54-59) rechecking the status of said first printing device during printing of said print task (please note column 4 lines 63-66) resending said print task to a second printing device when said first printing device fails to print said print task (please note column 4 lines 66-67).

Regarding claim 12 Yacoub discloses: A computer readable medium comprising instruction for performing functions within a print processor said instructions comprising the acts of: detecting the status of a first printing device prior to sending a print task to said first printing device (please note column 11 lines 40-45) rechecking the status of said first printing device after sending a print task to said printing device (please note column 4 lines 63-66) and sending said print task to a second printing device when said first printing device fails to print said print task (please note column 4 lines 65-67).

Regarding claim 13 Yacoub discloses: A computer data signal embodied in an electronic transmission, said signal having the function of detecting printing device

status with a print processor (please note column 11 lines 40-45) said signal comprising

instructions for: detecting the status of a printing device prior to sending a print task to

said printing device (please note column 11 lines 33-52) and rechecking the status of

said printing device after sending a print task to said printing device (please note

column 4 lines 63-66).

Regarding claim 14 Yacoub discloses: A print processor comprising: instructions

for determining the status of a printing device prior to sending a print task to said

printing device (please note column 11 lines 39-42 where the print processor or in this

case server checks the status of the printers 660 and 670) and instructions for

determining whether said printing device has successfully printed said print task (please

note column 11 lines 52-58 where the virtual printer send user and message as whether

the print job is printed or not).

Contact Information

➢ Any inquiry concerning this communication or earlier communications from the

examiner should be directed to *Saeid Ebrahimi-Dehkordy* whose telephone number

is (703) 306-3487.

The examiner can normally be reached on Monday through Friday from 8:00 a.m. to

5:30 p.m. If attempts to reach the examiner by telephone are unsuccessful, the

examiner's supervisor, Kimberly Williams, can be reached at (703) 305-4863.

Any response to this action should be mailed to:

Assistant Commissioner for Patents
Washington, D.C. 20231

Or faxed to:

(703) 872-9306, or (703) 308-9052 (for *formal* communications; please mark

"EXPEDITED PROCEDURE")

Or:

(703) 306-5406 (for *informal* or *draft* communications, please label "PROPOSED" or "DRAFT")

Hand delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).
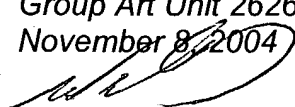
Any inquiry of a general nature or relating to the status of this application should be directed to the Group Receptionist whose telephone number is (703) 305-4750.

Saeid Ebrahimi-Dehkordy
Patent Examiner
Group Art Unit 2626
November 8, 2004

KIMBERLY WILLIAMS
SUPERVISORY PATENT EXAMINER